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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/524,804

03/14/2000

Mark E. Tuttle

MI40-285

7812

21567 7590 02/22/2007
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EXAMINER

HORABIK, MICHAEL

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

13

**Supplemental
Notice of Allowability**

Application No.

09/524,804

Examiner

Michael Horabik

Applicant(s)

TUTTLE, MARK E.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Notice of Allowability 2/01/07.
2. ☒ The allowed claim(s) is/are 50-52, 54-58, 62-69, 71-75 and 79-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

In order to avoid 35 USC 112 issues of claims being dependent upon cancelled claims and also in accordance with the Board of Appeals decision 11/02/06, the following examiner's amendments have been made.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the claims:

Amend claims 87, 88, 95, and 96 as follows:

87. (Currently amended) A wireless communication device comprising:
communication circuitry configured to communicate wireless signals; and
an encapsulant configured to encapsulate and contact at least a portion of the
communication circuitry, wherein the encapsulant defines at least one side surface and
the at least one side surface has visibly perceptible information thereon,
[The device according to claim 59] wherein the communication circuitry is configured to implement backscatter communications.

88. (Currently amended) A wireless communication device comprising:
communication circuitry configured to communicate wireless signals; and
an encapsulant configured to encapsulate and contact at least a portion of the
communication circuitry, wherein the encapsulant defines at least one side surface and
the at least one side surface has visibly perceptible information thereon, and
[The device according to claim 59 further comprising] a battery coupled with the
communication circuitry.

95. (Currently amended) A method of forming a wireless communication device
comprising:
providing communication circuitry configured to communicate wireless signals;
encapsulating at least a portion of the communication circuitry with an
encapsulant which contacts at least the encapsulated portion of the communication
circuitry, the encapsulant forming at least one side surface; and
providing visibly perceptible indicia upon the at least one side surface of the
encapsulant;

[The method according to claim 76] wherein the providing communication
circuitry comprises providing backscatter communication circuitry.

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96. (Currently amended) A method of forming a wireless communication device comprising:

providing communication circuitry configured to communicate wireless signals;

encapsulating at least a portion of the communication circuitry with an encapsulant which contacts at least the encapsulated portion of the communication circuitry, the encapsulant forming at least one side surface;

providing visibly perceptible indicia upon the at least one side surface of the encapsulant; and

[The method according to claim 76 further comprising] electrically coupling a battery with the communication circuitry.

Any inquiry concerning this communication should be directed to Michael Horabik at telephone number (571) 272-3068.

Michael Horabik

SPE AU 2612.

2/20/07

MICHAEL HORABIK
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